

Town of East Hampton
Zoning Board of Appeals
300 Pantigo Road, East Hampton, NY 11937



APPROVED MINUTES OF MEETING

Date: January 26th 2016
Time Started: 6:30 p.m.

Members Present:

John P. Whelan, Chairman
Cate Rogers, Vice Chair
David Lys, Member
Lee White, Member
Roy Dalene, Member

Also Present:

Denise Savarese, Legislative Secretary
Elizabeth Baldwin, Counsel to the Board

Public Hearing:

Applicant: Max Herrstein: SCTM# 300-63-3-12 – 948 Springs Fireplace Road, Springs – Project description is to construct a wall with a guardrail that exceeds the maximum height limits.

Chairman Whelan read the Notice of Public Hearing into the record. Counsel Baldwin noted that the Affidavit of Service & Posting is in order. Vice Chair Rogers conducted a field inspection and reported her findings to the Board.

Douglas Moyer, Architect, made a brief presentation of property conditions and history, submitted a supportive letter from Dan and Anita Hopkins into the record, and addressed the Planting Plan which has been placed along two property lines.

Max Herrstein, Applicant, noted that 60 evergreens planted in the front yard will help screen the view of the pool from Springs Fireplace Road.

Vaughn Allentuck, addressed concerns about the white stucco fence and the pool. She also noted her approval of the driveway being relocated.

David Buda, concerned citizen, also noted his concerns about the fence and whether or not it received ARB approval since it is not located on the survey.

Lisa D'Andrea, speaking on behalf of the Planning Department, gave analysis and made recommendations for the Board's consideration.

Vice Chair Rogers made a motion to close the Public Hearing and leave the record open for one week for proper elevations. Member Dalene seconded. All members were in favor.

Public Hearing:

Lucy Sachs – SCTM# 300-128-1-7.2 – 277 Cranberry Hole Road, Amagansett – Project description is to construct a 576 sq. ft. swimming pool with 252 sq. ft. of decking within side yard lot line setbacks and clear approximately 1,778 sq. ft. of vegetation on a parcel of land containing tidal wetlands, dune crest, freshwater wetlands and beach vegetation.

Chairman Whelan read the Notice of Public Hearing into the record. Counsel Baldwin noted that the Affidavit of Service & Posting is in order. Member Lys conducted a field inspection and reported his findings to the Board.

Richard Hammer, Attorney for the Applicant, addressed the Board with property conditions and the history of the property.

Joel Halsey, speaking on behalf of the Applicant, also addressed property conditions and submitted a survey into the record.

Lucy Sachs, Applicant, gave a brief history of her family in this area, and noted that this pool will be used by the whole family Ms. Sachs submitted a letter into the record from her brother.

Tyler Borsack, speaking on behalf of the Planning Department, gave analysis and made recommendations for the Board's consideration.

Member Lys made a motion to close the Public Hearing. Member White seconded. All members were in favor.

Public Hearing:

Applicant: 15 Wainscott Hollow Road LLC - SCTM# 300-196-1-8.10 – 15 Wainscott Hollow Road, Wainscott – Project description is to construct a 6,660 sq. ft. tennis court within side yard lot line setbacks.

Chairman Whelan read the Notice of Public Hearing into the record. Counsel Baldwin noted that the Affidavit of Service & Posting is in order. Chairman Whelan conducted a field inspection and reported his findings to the Board.

John Tarbet, Attorney for the Applicant, addressed the Board and submitted his presentation into the Board's files. Mr. Tarbet also submitted a supportive letter from David Eagan, neighbor, into the record. Applicant agrees with all the mitigation recommended.

Jeffrey Bragman, Attorney, representing a neighbor to the west, expressed concern about the tennis court which has 3 very substantial variance requests. The code protects neighboring properties because tennis courts can be very intrusive and noisy. Code requires that the variances be the minimum necessary. Neighbor is concerned that the actions of the Board if approved will set a precedent and the cost of that could have an impact on the Town.

James Duryea, appearing on behalf of the Planning Department, referred to an aerial and submitted language from the original subdivision of Wainscott Farms into the Board's file. Mr. Duryea also noted there has been an encroachment on the easement that appears to be over-clearing which is a violation. There is plenty of room to accommodate the tennis court if the swimming pool is re-located.

Chairman Whelan made a motion to close the Public Hearing and leave the record open for two weeks for Mr. Bragman to comment on the Illuminus Holdings ZBA Determination and possible comment from Mr. Tarbet. Member Lys seconded. All members were in favor.

Public Hearing:

Applicant: Andrew Taiani – SCTM# 300-80-10-7 - 12 Parsons Close, Springs – Project description is to allow a fence and gate to remain that exceeds the maximum height limits.

Chairman Whelan read the Notice of Public Hearing into the record. Counsel Baldwin noted that the Affidavit of Service & Posting is in order. Vice Chair Rogers conducted a field inspection and reported her findings to the Board.

David Kirst, Attorney appearing on behalf of the Applicant, addressed the Board with property conditions and the history of the property. Mr. Kirst noted that a condition of approval can be a letter from Steven Lynch, Superintendent of

Highways giving permission for intrusion into the Town Right of Way – also submitted into the record were nine letters of support from neighbors. There has been no Architectural Review Board approval for this structure which has been there for 7 plus years. A cost analysis has not been done on moving the structure back.

Andrew Taiani – Applicant, noted at the time of the construction he was not familiar or educated in the process – nothing was done intentionally. He didn't realize he needed a Building Permit.

David Buda, concerned citizen, submitted and read a letter of opposition into the record.

James Dureyea, speaking on behalf of the Planning Department, added little to the record but did note that if approved this will cause a precedent.

Vice Chair Rogers made a motion to leave the record open indefinitely for submission of a survey showing elevations, and Mr. Kirst asked to comment on Mr. Buda's letter. Member Dalene seconded. All members were in favor.

Resolutions Signed:

Paul Dornhofer – SCTM# 300-146-5-12 – Chairman Whelan made a motion to approve the Determination as written. Vice Chair Rogers seconded. All members were in favor.

Mitchell Danzig – SCTM# 300-175-6-26 – Member Lys made a motion to approve the Determination as written. Member White seconded. All members were in favor.

John P. Whelan, Chairman
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